IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Bail Appl..No. 2028 of 2007()

CRIME NO.79/2007 OF KOYILANDY POLICE STATION
CRL.MISC. CASE NO.258/2007 OF SESSIONS COURT, KOZHIKODE

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PETITIONERS/ACCUSED 1 & 3

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1. SIVADASAN, S/O.GOPALAN NAIR,
   MANATHANATH HOUSE, PANTHALAYANI AMSOM,
   KOYILANDY.

2. DEVI, W/O.GOPALAN NAIR, MANATHANATH
   HOUSE, PANTHALAYANI AMSOM, KOYILANDY.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT AND STATE

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1. SUB INSPECTOR OF POLICE,
   KOYILANDY POLICE STATION,
   KOZHIKODE.

2. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2028 OF 2007

Dated this the 9th day of April, 2007

O R D E R

Petitioners, who are accused Nos.1 and 3 in Crime No.79/07 of Koyilandy Police Station for offences punishable under sections 498A and 306 read with section 34 IPC, seek anticipatory bail. Petitioners are the husband and mother-in-law of Mini, who committed suicide after 11 years of marriage with the first petitioner on 4.2.07 by hanging herself in the matrimonial home.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted to the husband in a case of this nature. There is no reason why he should not surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. In the case of the 2nd petitioner, who is a 69 year old woman, I am inclined to grant anticipatory bail to her. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the 2nd petitioner(3rd accused) on bail for a period of one month in the event of her arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. The 2nd petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

b. The 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

c. 2nd petitioner shall not commit any offence while on bail.

d. 2nd petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

4. In the case of the first petitioner, who is the first accused, he is directed to surrender before the Investigating Officer on any day between 16.4.2007 and 18.4.2007 for the purpose of interrogation. The 2nd petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application for regular bail, if any, filed by the 2nd petitioner, preferably on the same date on which it is filed, after taking into account the medical grounds, if any, urged by him.

This application is partly allowed as above.

(V. RAMKUMAR, JUDGE)

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